

REMARKS/ARGUMENTS

Claims 1, 3-12, 14-16, 18-25, and 27-32 stand rejected under 103(a) as being unpatentable over U.S. Patent Publication Nos. 2002/0172149 (Kinoshita et al.) and 2002/0067693 (Kodialam et al). Applicants respectfully request reconsideration of the rejection.

The courteous telephone interview granted applicants' undersigned attorney by Examiner Ranodhi Serrao on May 24, 2006 is hereby respectfully acknowledged. In the interview, the Examiner generally agreed that the references cited do not show or suggest the claimed limitations as discussed below, but requested that a response to the Final Office action be submitted so that the Examiner can review the references cited. The arguments discussed during the interview are set forth below.

The Kinoshita et al. patent is directed to a method and apparatus for protection path setup. Bandwidth is shared among protection paths only if there is no possibility that any of the protection paths will be used simultaneously (see, for example, paragraphs 72 and 73). As noted by the Examiner, Kinoshita et al. fail to teach a method wherein bandwidth to be protected of a link pair comprises a lesser of primary bandwidths of links of said link pair.

Kodialam et al. disclose dynamic backup routing of network tunnel paths for local restoration in a packet network. There is no discussion of defining bandwidth to be protected of a link pair as a lesser of primary bandwidths of links of the link pair, as set forth in claims 1, 12, 16, and 25. In the *Response to Arguments* section of the final Office Action, the Examiner states that "Kodialam teaches sharing of the backup bandwidths belonging to different demands in ¶ 30 and partial backup path in ¶ 40." Paragraph 0030 discusses intra-demand and inter-demand sharing. This involves sharing capacity of the backup path. The different demands refer to two different active paths and not a link pair traversing a node to be protected, as set forth in claim 1. At paragraph [0040], Kodialam et al. describe how to compute the cost of providing a

given link a local backup. The cost is computed by summing the usage cost of links for each partial backup path that routes the demand. Thus, sections of the backup path are added together to get the total cost. These partial paths are part of the backup and are not a link pair traversing a node to be protected (active path).

Accordingly, claims 1, 12, 16, and 25, and the claims depending therefrom, are submitted as patentable over Kinoshita et al. and Kodialam et al.

With respect to claims 8, 15, 21, and 30, the Examiner notes that Kinoshita et al. fail to teach back tunnels and wherein there is at least one set of backup tunnels that protect disparate nodes and that consume more bandwidth on at least one link than provided by said at least one link's backup bandwidth pool. In rejecting these claims, the Examiner refers to paragraphs 0030, 0060, and 0061 of Kodialam et al. Paragraph 0030 describes intra-demand and inter-demand sharing of the capacity of a backup path. Inter-demand sharing refers to sharing of the backup bandwidths belonging to two different demands. Intra-demand sharing refers to sharing of capacity between backup links on the backup path for a demand when the links in the active paths have some links/nodes in common. Intra-demand is further described at paragraph 0031 with respect to Fig. 3. Link l(8,4) is common to backup paths that backup links l(2,3) and l(3,4). Thus, backup capacity is shared on link l(8,4) as an example of intra-demand sharing. As shown in Fig. 3, intra-demand sharing covers a backup link that protects paths having the same node 303. Paragraphs 0060 and 0061 specifically describes backup routing for a link failure and accounting for intra-demand sharing of backup bandwidth. Kodialam et al. do not show or suggest wherein there is at least one set of backup tunnels that protect disparate nodes and that consume more bandwidth on at least one link than provided by said at least one link's backup bandwidth pool. Backup tunnels that protect disparate nodes is not the same as the intra-demand sharing described in Kodialam et al. which is used to share demand between active paths having common links or nodes.

Accordingly, claims 8, 15, 21, and 30, and the claims depending therefrom, are submitted as patentable over Kinoshita et al. and Kodialam et al.

Appl. No. 10/038,259
Amd. Dated May 24, 2006
Reply to Office Action of March 31, 2006

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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